

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-4, 7-16, and 19-25 are pending in this application. Claims 5-6 and 17-18 have been canceled without prejudice and disclaimer of subject matter. Claims 1, 13, and 25, which are independent, are amended. Support for this amendment is provided throughout the Specification, specifically at pages 30 and 33 and Figure 5.

No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-4, 13-16, and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,314,235 to Gotoh, et al. (hereinafter, merely "Gotoh") in view of U.S. Patent No. 6,438,084 to Kawashima et al. (hereinafter, merely "Kawashima") and further in view of U.S. Patent No. 6,205,529 to Shagam (hereinafter, merely "Shagam").

Claims 7-9 and 19-21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gotoh in view of Kawashima and Shagam and further in view of U.S. Patent No. 6,373,803 to Ando (hereinafter, merely “Ando”).

Claims 10-12 and 22-24 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gotoh in view of Kawashima, Shagam, and Ando and further in view of U.S. Patent No. 6,014,368 to Sanami (hereinafter, merely “Sanami”).

III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“A recording control apparatus for controlling data recording on a recording medium, comprising:

...a reference value determining unit determines a reference value of data to be recorded on the recording medium, the reference value being determined by a data rate and a presentation period of the data so that a reading time of the data is longer than a seeking time of non-consecutive data,

wherein the size of the packet is determined by the reference value and an alignment of the packet with a boundary of an adjacent ECC block of the recording medium.” (Emphasis added)

Applicants respectfully submit that Gotoh, Kawashima, Shagam, Ando, and Sanami, taken either alone or in combination, fail to disclose or suggest the above-identified features of claim 1. Specifically, nothing is found that discloses or teaches “a reference value determining unit determines a reference value of data to be recorded on the recording medium, the reference value being determined by a data rate and a presentation period of the data so that a reading time of the data is longer than a seeking time of non-consecutive data” and “wherein the

size of the packet is determined by the reference value and an alignment of the packet with a boundary of an adjacent ECC block of the recording medium”, as recited in claim 1.

Therefore, Applicants respectfully submit that independent claim 1 is patentable.

For similar reasons or somewhat similar reasons discussed above regarding independent claim 1, independent claims 13 and 25 are also patentable.

Therefore, Applicants respectfully submit that independent claims 1, 13, and 25 are patentable.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent on independent claim 5 discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the

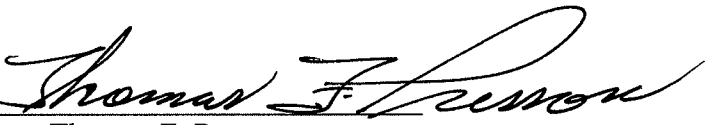
Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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